

JS-6

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14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 WESTERN DIVISION

17 UNITED STATES OF AMERICA,) NO. CV 11-2872 VBF (MANx)
18)
Plaintiff,) ~~{PROPOSED}~~
19) **CONSENT JUDGMENT OF FORFEITURE**
vs.)
20)
\$25,270.00 IN U.S. CURRENCY,)
21 ONE 2008 LEXUS IS350, AND)
ONE 2006 LEXUS IS350,)
22)
Defendants.)
23)
24 JAMES E. OLIVER, JR. AND WENDY)
CLEMENS,)
25)
Claimants.)
26)

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1 This action was filed on April 5, 2011. Notice was given
2 and published in accordance with law. Claimants James E.
3 Oliver, Jr. ("Oliver, Jr.") and Wendy Clemens ("Clemens") filed
4 claims on May 13, 2011 and May 27, 2011, respectively. No
5 answers or any other claims have been filed, and the time for
6 filing claims and answers has expired. The parties have reached
7 an agreement that is dispositive of this action and hereby
8 request that the Court enter this Consent Judgment of
9 Forfeiture. The parties' agreement to this Consent Judgment is
10 dependent upon the filing and approval by the Court of the
11 Consent Judgment in the related case pending in this Court
12 entitled United States vs. Two Real Properties Located in
13 Lancaster, California, Case No. CV 11-2873 VBF.

14 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

15 1. This Court has jurisdiction over the parties and the
16 subject matter of this action.

17 2. Notice of this action has been given in accordance
18 with law. Claimants Oliver, Jr. and Clemens represent that they
19 are unaware of any other persons or entities with a valid
20 interest in the defendants \$25,270.00 in U.S. Currency; One 2008
21 Lexus IS350, VIN: JTHBE262585021745; and One 2006 Lexus IS350,
22 VIN: JTHBE262X65011323 (collectively, "defendants"). All
23 potential claimants to the defendants other than claimants
24 Clemens and Oliver, Jr. (collectively, "claimants") are deemed
25 to have admitted the allegations of the Complaint. The
26 allegations set out in the Complaint are sufficient to establish
27 a basis for forfeiture. The claimants are relieved of their
28 obligation to file answers in this litigation.

1 3. The United States of America shall have judgment as to
2 the defendants \$25,270.00 in U.S. Currency, with all interest
3 earned by the government on the full amount of the defendant
4 currency; One 2008 Lexus IS350, VIN: JTHBE262585021745; and One
5 2006 Lexus IS350, VIN: JTHBE262X65011323, and no other person or
6 entity shall have any right, title or interest therein. The
7 United States Marshals Service is ordered to dispose of said
8 assets in accordance with law.

9 4. Except as to such rights and obligations created by
10 this Consent Judgment, Claimants, and each of them, hereby
11 release the United States of America, its agencies, agents,
12 officers and attorneys, including employees and agents of the
13 Federal Bureau of Investigation, and officers and employees of
14 the Los Angeles Sheriff's Department, from any and all claims,
15 actions or liabilities arising out of or related to the seizure
16 of the defendants and the commencement of this action,
17 including, without limitation, any claim for attorney's fees,
18 costs or interest which may be asserted on behalf of claimants,
19 or either of them, whether pursuant to 28 U.S.C. § 2465 or
20 otherwise.

21 5. The Court finds that there was reasonable cause for
22 the seizure of the defendants and institution of these
23 proceedings. This judgment shall be construed as a certificate
24 of reasonable cause pursuant to 28 U.S.C. § 2465.

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6. The Court retains jurisdiction over this case and the parties hereto to effectuate the terms of this Judgment.

DATED: August 3, 2011

Valerie Baker Fairbank

HONORABLE VALERIE BAKER FAIRBANK
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

DATED: July __, 2011

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/s/

KATHARINE SCHONBACHLER
Assistant United States Attorney

Attorneys for Plaintiff
United States of America

DATED: July __, 2011

/s/

JANET SHERMAN
Attorney for Claimant
WENDY CLEMENS

DATED: July __, 2011

/s/

WENDY CLEMENS, CLAIMANT

DATED: July __, 2011

/s/

JAMES E. OLIVER, JR.
PRO SE CLAIMANT